

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q92538

Takayuki KONDO

Allowed: August 29, 2008

Appln. No.: 10/564,719

Group Art Unit: 2618

Confirmation No.: 9863

Examiner: Shaima Q. AMINZAY

Filed: January 17, 2006

For: MOBILE COMMUNICATION SYSTEM WITH IMPROVED TRACKABILITY IN  
TRANSMISSION POWER CONTROL

**RESPONSE TO DECEMBER 19, 2008, OFFICE COMMUNICATION**

**MAIL STOP ISSUE FEE**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Office Communication dated December 19, 2008, please consider the remarks as submitted herewith on the accompanying pages.

The Examiner returned the PTO/SB/08 form submitted with the Information Disclosure Statement filed on November 21, 2008, but the foreign patent document cited therein, which is not in the English language, has been crossed out, indicating that it has not been considered. Applicant respectfully submits that this document should have been considered as this document was submitted in an IDS that meets the requirements of 37 C.F.R. § 1.98 and MPEP § 609.

The IDS submitted with the non-English language document pointed out that, in compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, a copy was submitted therewith of a corresponding Japanese Office Action and an English translation of the pertinent portions thereof which cites such documents and indicates the degree of relevance found by the foreign patent office. This submission fully

satisfies 37 C.F.R. § 1.98 and MPEP § 609, and thus the cited non-English language references must be considered by the Examiner.

Applicant respectfully notes that 37 C.F.R. § 1.98 requires copies of translations for non-English language documents only when a written English-language translation of a non-English-language document, or portion thereof, is within the possession, custody, or control of, or is readily available to any individual designated in 37 C.F.R. § 1.56(c). Applicant respectfully submits that the requirements of 37 C.F.R. §§ 1.97 and 1.98 and MPEP § 609 have been satisfied. Thus, it is the obligation of the Examiner to consider this reference.

For the Examiner's convenience, Applicant submits herewith an English language abstract for the cited foreign patent document. Applicant respectfully submits that if the Examiner wants further translations, the Examiner may request translations from the USPTO translation facilities. The Examiner is directed to MPEP § 901.05(d).

**Accordingly, the Examiner is respectfully requested to return the initialed PTO/SB/08 form indicating that the cited materials have been considered.**

Respectfully submitted,

/Eric S. Barr/

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WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: January 9, 2009

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# PATENT ABSTRACTS OF JAPAN

(11)Publication number : 11-340909

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(21)Application number : 11-018815

(71)Applicant : NEC CORP

(22)Date of filing : 27.01.1999

(72)Inventor : HAMABE KOJIRO

(30)Priority

Priority number : 10 81862 Priority date : 27.03.1998 Priority country : JP

## (54) TRANSMISSION POWER CONTROL METHOD IN CELLULAR SYSTEM AND BASE STATION DEVICE

(57)Abstract:

**PROBLEM TO BE SOLVED:** To increase the capacity of an incoming channel by preventing a signal from being sent from a mobile station to a base station with excessive transmission power.

**SOLUTION:** Base stations 10a, 10b compare reception quality of transmission signals sent from mobile stations 30a, 30b with object reception quality, decide an increase of the transmission power of each base station based on the comparison result, add the increased power to transmission power from the base stations 10a, 10b based on a control instruction sent from the mobile stations 30a, 30b and send a 1st control instruction with the summed transmission power to control the transmission power in the mobile stations 30a, 30b.

